

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **AMILCAR NORAT COLLAZO**CASE NO: **17-06014-BKT**

Debtor(s)

**Chapter 13****TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ALEXANDRA BIGAS VALEDON\***Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$500.00** Outstanding (Through the Plan): **\$2,500.00**

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

**Debtor's/s' Commitment Period:** ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)  
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

**Liquidation Value: \$1,079.00 Estimated Priority Debt: \$14,313.00****If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00**With respect to the (amended) Plan date: **Feb 13, 2018 (Dkt 41)** **Plan Base: \$21,100.00****The Trustee:** ☐ **DOES NOT OBJECT** ☒ **OBJECTS** **Plan Confirmation** **Gen. Uns. Approx. Dist.: 24 %****The Trustee objects to confirmation for the following reasons:**

**\*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6)** The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

**[1325(a)(1)] Self-employed Business Debtor - Failure to comply with her/his/their duties. [11 U.S.C.1302(b), 704(a)(2)-(7), and 704(a)(9)]**

Coamo Builders Corp.-Construction- 1/2017 - Until Present.

As part of his responsibilities as a Self Employed Debtor, documents regarding the Business Operation are required to be provided prior to the Meeting of Creditors. Debtor has failed to comply with such requirements.

Debtor has failed to submit: Business Questionnaire and evidence of the following expenses: payroll and purchase of materials.

**[1325(a)(6)] Payment Default Feasibility - Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).**

Debtor is \$200.00 in arrears in payments to the Trustee (1 payment).

**[1325(a)(8)] DSO Payment Default - Debtor(s) is in default with post-petition DSO payments.**

Debtor has failed to submit evidence of being current with post petition DSO payments up until the month of Feb- March 2018 or the confirmation of the plan. Debtor has 2 accounts that are being paid through ASUME.

**[1325(b)(1)(B)] Projected Disposable Income - Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the**

plan. [1322(a)(1)]

Case:17-06014-BKT13 Doc#:51 Filed:03/01/18 Entered:03/01/18 16:25:28 Desc: Main

Document Page 2 of 2

Debtor stated that he no longer needs family help, as his construction business has increased due to Hurricane Maria. He said his business has increased by about \$2,000.00 per month. Debtor will amend Schedules I and J and evidence of new income, including post-petition bank statements must be submitted.

**\*OTHER COMMENTS / OBJECTIONS**

NONE

**NOTICE**

**14 day notice:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.  
**CHAPTER 13 TRUSTEE**  
PO Box 9023884, San Juan PR 00902-3884  
Tel. (787)977-3535 Fax (787)977-3550

Date: March 01, 2018

/s/ Juliell Perez, Esq.

Last Docket Verified: 44 Last Claim Verified: 6 CMC: NM